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HOUSE RESEARCH ORGANIZATION

daily floor report

Tuesday, May 21, 2019
86th Legislature, Number 70
The House convenes at 10 a.m.
Part One

The bills and joint resolutions analyzed or digested in Part One of today's *Daily Floor Report* are listed on the following page.

Today is the last day for the House to consider Senate bills and joint resolutions on second reading, other than local and consent, on a daily or supplemental calendar.

All HRO bill analyses are available online through TLIS, TLO, CapCentral, and the HRO website.

Dwayne Bohac
Chairman
86(R) - 70

HOUSE RESEARCH ORGANIZATION

Daily Floor Report
Tuesday, May 21, 2019
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Part 1

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SUBJECT: Improving school safety, promoting mental health in schools

COMMITTEE: Public Education — committee substitute recommended

VOTE: 11 ayes — Huberty, Bernal, Allen, Allison, Ashby, K. Bell, Dutton, M. González, Meyer, Talarico, VanDeaver

0 nays

2 absent — K. King, Sanford

SENATE VOTE: On final passage, April 29 — 29-2 (Hall, Hughes)

WITNESSES: For — Ashley Arnold, Texas Assessment of School Psychologists; Jan Friese, Texas Counseling Association; (*Registered, but did not testify*: Andrea Chevalier, Association of Texas Professional Educators; Jason Sabo, Children at Risk; Chris Masey, Coalition of Texans with Disabilities; Lindsay Lanagan, Legacy Community Health; Bill Kelly, City of Houston Mayor's Office; Rebecca Fowler, Mental Health America of Greater Houston; Annalee Gulley, MHA Houston; Greg Hansch, National Alliance on Mental Illness-Texas; Will Francis, National Association of Social Workers-Texas Chapter; Leticia Van de Putte, San Antonio Chamber of Commerce; Caroline Joiner, Sandy Hook Promise; Amanda List, Texas Appleseed; Barry Haenisch, Texas Association of Community Schools; Amy Beneski, Texas Association of School Administrators; Will Holleman, Texas Association of School Boards; Leela Rice, Texas Council of Community Centers; Mark Terry, Texas Elementary Principals and Supervisors Association; Kyle Ward, Texas PTA; John Grey, Texas School Alliance; Rebecca Harkleroad)

Against — Lee Spiller, Citizens Commission on Human Rights; Cindi Castilla, Dallas Eagle Forum; Rachel Malone, Gun Owners of America; Cindy Asmussen, Southern Baptists of Texas Convention; Lacey Hull, We the Parents Coalition; Steve Swanson; (*Registered, but did not testify*: Ashley Burke, We the Parents; Samantha Nierop; Savita Wadhwani; Eric Whittier; Richard Wood)

On — (*Registered, but did not testify*: Elizabeth Cross, Texas Charter Schools Association; David Palmer, Texas Department of Public Safety; Eric Marin and Megan Aghazadian, Texas Education Agency; Charles Puls, Texas Higher Education Coordinating Board)

BACKGROUND: Education Code ch. 37 contains requirements for the Texas School Safety Center related to the dissemination of safety and security information through research, training, and technical assistance for public schools and junior colleges. The center is housed at Texas State University.

DIGEST: CSSB 11 would revise and add to Education Code requirements regarding school safety. The bill would:

- revise requirements for school multihazard emergency operations plans;
- include substitute teachers among educators to receive safety training;
- require districts to establish threat assessment teams to incorporate best practices for school safety and school climate;
- require districts to integrate trauma-informed practices in the school environment;
- require the education commissioner to adopt standards for safe and secure school facilities; and
- establish a school safety allotment for districts to use in improving security and providing mental health personnel.

Emergency planning. CSSB 11 would revise and add requirements for the statutory multihazard emergency operations plan adopted by school districts and public junior college districts. The bill would add open-enrollment charter schools as entities required to adopt and implement a plan.

The bill would add prevention to the existing requirements for a plan to address mitigation, preparedness, response, and recovery. The Texas School Safety Center (TSSC) in conjunction with the governor's office of homeland security would be included along with the commissioner of education or higher education, as applicable, in defining how the plan

would address those issues.

Emergency training for district employees. In addition to existing statutory requirements, multihazard emergency operation plans would be required to include:

- training in responding to an emergency for district employees, including substitute teachers;
- measures that ensured district employees had classroom access to a telephone or other electronic communication device allowing for immediate contact with certain emergency services, law enforcement agencies, health departments, and fire departments;
- measures that ensured district communications technology and infrastructure adequately allowed for communication during an emergency; and
- mandatory school drills and exercises designed to prepare students and employees for responding to an emergency.

Other requirements. The plan also would have to include:

- a chain of command that designated the individual responsible for making final decisions in an emergency situation;
- provisions that addressed physical and psychological safety for responding to certain dangerous scenarios identified by the Texas Education Agency (TEA) or TSSC;
- provisions for ensuring the safety of students in portable buildings;
- provisions for ensuring that students and district personnel with disabilities were provided equal access to safety during certain emergency scenarios;
- provisions for providing immediate notification to parents, guardians, and other relevant persons in circumstances involving a significant threat to the health or safety of students;
- provisions for supporting the psychological safety of students, district personnel, and the community during the response and recovery phase following certain emergency situations that were aligned with best practice-based programs;
- strategies for ensuring that professional development training for

suicide prevention and grief-informed and trauma-informed care was provided to school personnel;

- training on integrating psychological safety strategies into the district's plan from an approved list of recommended training established by the education commissioner and TSSC for members of the school safety and security committee, school counselors and mental health professionals, and educators and other district personnel as determined by the district;
- strategies and procedures for integrating and supporting physical and psychological safety;
- provisions to implement trauma-informed policies;
- a policy that provided a substitute teacher access to school campus buildings and materials necessary to carry out the duties of a district employee during an emergency or emergency drill; and
- the name of each individual on the district's school safety and security committee and the date of each committee meeting during the preceding year.

Plan review and verification. TSSC would establish a random or need-based cycle for reviewing and verifying multihazard emergency operations plans. TSSC would have to provide a district with written notice describing any plan deficiencies and allowing it to correct the deficiencies and resubmit a revised plan to the center. The center could approve a plan submitted by the district that corrected the identified deficiencies.

A school district would submit their plan to TSSC on request and in accordance with the review cycle developed by TSSC. If a district failed to submit their plan for review, TSSC would provide the district with notice stating that they had failed to submit a plan and would have to submit one to the center for review and verification.

If by three months after the date of initial notification regarding plan deficiencies or failure to submit a district has not yet adequately responded, TSSC would notify the district and TEA that the district had not complied with the requirements and should comply immediately. After six months of noncompliance the school district would be required

to hold a public hearing.

TSSC could require a district to submit its multihazard plan for immediate review if the district's audit results indicated that the district did not comply with applicable standards. If a district failed to report the results of its audit the center could provide notice to the district that it would have to immediately report the results to TSSC. If six months after the initial notification the district did not report the results of its audit, TSSC would notify TEA and the district of the district's responsibility to conduct a public hearing.

Public hearing. If a school board received notice of noncompliance after failing to submit a plan, failing to correct plan deficiencies, or after being initially notified of failing to report the results of the security and safety audit to TSSC, the board would have to hold a public hearing to notify the public of:

- the district's failure to submit or correct deficiencies in the multihazard emergency operations plan or report the results of safety and security audit to TSSC;
- the dates during which the district had not complied; and
- the names of each member of the board of trustees and the superintendent that served in that capacity during the dates the district had not complied.

The board would have to give members of the public a reasonable opportunity to appear before the board and to speak on the district's failure to submit or correct the operations plan or report the results of the audit.

Sanctions. If TEA received notice from TSSC of a school district's failure to submit a multihazard emergency operations plan, the commissioner of education could appoint a conservator who could require the district to adopt, implement, and summit the operations plan. If the district failed to comply with the conservator's order, the commissioner could appoint a board of managers to oversee the operations of the district.

Security audit. In addition to reviewing a district's multihazard plan, TSSC could require a district to submit its plan for immediate review if

the district's statutory safety and security audit indicated the district was not complying with applicable standards.

A district would be authorized to use the procedures developed by TSSC or school safety or security consulting services when conducting a safety and security audit. The district also would be required to certify in their safety and security audit that the district used school safety allotment funds only for authorized purposes.

School safety and security committee. CSSB 11 would add members to the statutorily required school and safety security committee. To the greatest extent practicable, a committee would have to include one or more representatives of an office of emergency management in the region where the district was located, one or more representatives of the local police department or sheriff's office, one or more representatives of the district's police department, if applicable, the president of the district's board of trustees, a member of the district's board of trustees, the district's superintendent, one or more designees of the district's superintendent, one of whom would be classroom teacher in the district, and two parents or guardians of students enrolled in the district.

If the district partnered with an open-enrollment charter school to provide student instruction, a member of the charter school's governing body or a designee also would have to be included on the committee.

Committee duties. The committee would periodically have to recommend to district trustees and administrators updates to the multihazard emergency operation plan in accordance with best practices identified by TEA, TSSC, or a safety or security consulting service. The committee also would be required to consult with local law enforcement agencies on methods to increase law enforcement presence near campuses.

The committee would be required to meet at least once during each academic semester and once during the summer. Committees in year-round schools or in accordance with an alternative schedule would meet at least three times during the calendar year. Meetings would be subject to open-meetings laws, and notice of a committee meeting would have to be posted in the same manner as a board of trustees meeting.

Notification of bomb or terroristic threat. School districts that received a bomb threat or terroristic threat related to their campus at which students were present would have to provide notification of the threat as soon as possible to the parents or guardian of each student who was assigned to the campus or who regularly used the facility.

Evacuations and school drills. The commissioner, in consultation with TSSC and the state fire marshal, would have to adopt rules that provided procedures for evacuating and securing school property during an emergency. The commissioner and the consulting entities also would designate the number of mandatory school drills to be conducted each school semester, not to exceed eight drills counting fire, lockdown, lockout, shelter-in-place, and evacuation drills.

Threat assessment. CSSB 11 would require school districts to develop policies for schools to identify students who posed a serious risk of violence to themselves or others and report that determination to the superintendent. The superintendent would have to notify the student's parents and follow established procedures for referring the student to a local mental health authority or health care provider for evaluation and treatment.

Definitions. CSSB 11 would define "harmful, threatening, or violent behavior" as behaviors such as verbal threats, threats of self harm, bullying, cyberbullying, fighting, the use or possession of a weapon, sexual assault, sexual harassment, dating violence, stalking, or assault by a student that could result in certain mental health interventions, in- or out-of-school suspension, or the student's expulsion, removal to a disciplinary alternative education program, or a juvenile justice program.

Rules. TEA, in coordination with TSSC, would have to adopt rules to establish a safe and supportive school program. The rules would incorporate research-based best practices for school safety including practices for:

- providing for physical and psychological safety;
- a multiphase and multihazard approach to prevention, mitigation,

preparedness, response, and recovery in a crisis situation;
- a systemic and coordinated multitiered support system that addresses school climate, the social and emotional domain and mental health; and
- collaboration to assess risks and threats in schools and provide appropriate interventions, including rules for the establishment and operation of teams.

Model policies. TSSC, in coordination with TEA, would be required to develop model policies and procedures to assist school districts in establishing and training threat assessment teams. The model policies and procedures would include procedures for:

- the referral of a student to a local mental health authority or health care provider for evaluation or treatment;
- the referral of a student for a full individual and initial evaluation for special education services; and
- students and school personnel to anonymously report dangerous, violent, or unlawful activity that occurs or is threatened to occur on school property or that relates to a student or school personnel.

District teams. The bill would require district trustees to establish a threat assessment and safe and supportive school team to serve at each district campus and would adopt policies and procedures for the teams. The policies and procedures adopted for the team would have to:

- be consistent with the model policies and procedures developed by TSSC;
- require each team to complete training provided by TSSC or a regional education service center on evidence-based threat assessment programs; and
- require that each team report to the TEA information on the team's activities.

Team members. The district superintendent would have to ensure that team members had expertise in counseling, behavior management, mental health and substance use, classroom instruction, special education, school

administration, school safety and security, emergency management, and law enforcement. A team could serve on more than one campus of a school district.

A district superintendent also could establish a committee or assign to an existing committee the duty to oversee the threat assessment team operations. The oversight committee would have to include members with the required expertise of the established teams.

Team duties. Teams would be required to:

- conduct a threat assessment that included assessing and reporting individuals who made threats of violence or exhibited harmful, threatening, or violent behavior;
- gather and analyze data to determine the level of risk and appropriate intervention including referring a student for mental health assessment and implementing an escalation procedure if appropriate;
- provide guidance to students and school employees on recognizing harmful, threatening, or violent behavior that could pose a threat to the community, school, or individual; and
- support the district in the implementation of the district's multihazard emergency operations plan.

Threat assessment reporting. If a team determined that a student or other individual posed a serious risk of violence to self or others, the team would be required to immediately report that determination to the superintendent. It the individual were a student, the superintendent would have to contact the parent or guardian of the student. An employee would still be authorized to act immediately to prevent an imminent threat or to respond to an emergency.

Teams that identified a student at risk of suicide would have to act in accordance with the district's suicide prevention program. If the student at risk were to also make a threat of violence to others, the team would be required to conduct a threat assessment in addition to actions taken related to the suicide prevention program.

Teams that identified a student using or in possession of tobacco, drugs, or alcohol would have to act in accordance with district policies and procedures related to substance use prevention and intervention.

Report to TEA. Teams would be required to report to TEA the following information about their activities:

- the occupation of each person appointed to the team;
- the number of threats and a description of the type of threats reported;
- the outcome of each assessment made by the team including any disciplinary action taken, any action taken by law enforcement, or a referral to or change in counseling, mental health, special education, or other services;
- the total number, disaggregated by certain demographics, at-risk, and disadvantaged statuses, of actions taken as specified in the bill in connection with an assessment or reported threat by the team;
- the number and percentage of school personnel trained under a best-practice or research-based practice, including personnel trained in suicide prevention and trauma-informed practices; and
- the number and percentage of school personnel trained in mental health or psychological first aid for schools, training relating to the safe and supportive school program, or any other program relating to safety.

School safety consultants. TSSC would be required to verify the information provided by persons providing school safety or security consulting services in Texas to confirm the person's qualifications and ability to provide school safety or security consulting services before it added the person to the registry.

Trauma-informed care policy. School districts would be required to adopt and implement a policy requiring the integration of trauma-informed practices in each school environment and in the district’s improvement plan.

A trauma-informed care policy would have to address methods for

increasing staff and parent awareness of trauma-informed care and the implementation of trauma-informed practices and care by district and campus staff. The policy also would address available counseling options for students affected by trauma and grief.

The methods for increasing awareness and implementing trauma-informed care would have to include training through a program selected from the list of recommended best practices and research-based programs. It would have to be offered during new employee orientation and to existing educators on a schedule adopted by TEA.

School districts would have to maintain records that included the name of each district staff member who participated in the training and report annually to TEA the number of teachers, principals, and counselors who completed the training and the total number of teachers, principals and counselors employed by the district.

If a school district determined it did not have resources to provide the training, the district could partner with a community mental health organization to provide the training at no cost to the district.

A district would have to include its trauma-informed care policy in its statutorily required district improvement plan.

School facility standards. CSSB 11 would require the education commissioner to adopt or amend rules to ensure that building standards for instructional facilities and other school district and open-enrollment charter school facilities provided a secure and safe environment. The commissioner's rules would have to include the use of best practices for design and construction of new facilities and the improvement, renovation, and retrofitting of existing facilities. The commissioner would have to review the rules and amend them as necessary by September 1 of each even-numbered year.

School safety allotment. From funds appropriated for that purpose, the education commissioner would have to provide districts with an annual allotment in the amount provided by appropriation for each student in average daily attendance.

A district would have to use the funds to improve school safety and security, including costs associated with:

- securing school facilities, including improvements to school infrastructure and the use or installation of physical barriers;
- the purchase and maintenance of security cameras or other security equipment and technology including certain communications systems or devices;
- providing security for the district, including employing school district peace officers, private security officers, and school marshals;
- collaborating with local law enforcement agencies, including entering into a memorandum of understanding for the assignment of school resource officers; and
- school safety and security training and planning, including active shooter and emergency response training, prevention and treatment programs relating to addressing adverse childhood experiences, and the prevention, identification, and management of emergencies and threats.

The training and planning could include providing mental health personnel and support, providing behavioral health services, and establishing threat reporting systems.

School districts could use allocated funds for equipment or software that was used for school safety and security purposes and instructional purposes, provided the instructional use did not compromise the safety and security purposes of the equipment or software.

A school district required to reduce its wealth per student to the equalized wealth level, would be entitled to a credit in the amount of the allotments appropriated to the district against the total amount required.

Bonds. Certain governing entities specified in the bill could issue bonds for the retrofitting of school buses or the purchase or retrofitting of vehicles used for emergency, safety, or security purposes.

Instructional minutes. The commissioner of education would be required to provide a waiver allowing for fewer minutes of operation and instructional time than the required 75,600 minutes to allow a district's educators to attend an approved school safety training course. The waiver could not result in an inadequate number of minutes of instructional time for students or reduce the number of operation and instructional time by more than 420 minutes. To be approved for the waiver, the school safety training course would be required to apply to TSSC for approval, and TSSC could approve the course if the center determined it satisfied their requirements.

Digital citizenship. The State Board of Education by rule would have to require that school districts incorporate into their curriculum instruction in digital citizenship, defined as the standards of appropriate, responsible, and healthy online behavior, and the potential criminal consequences of cyberbullying, or bullying done through the use of any electronic communication device.

Local school health advisory council. CSSB 11 would add to the duties of a school district's local health advisory council to recommend:

- policies, procedures, strategies, and curriculum appropriate for specific grade levels designed to address mental health concerns including suicide;
- appropriate grade levels and methods of instruction for healthy, age-appropriate relationship education;
- strategies to increase parental awareness regarding risky behaviors and early warning signs of suicide risks and certain behavioral health concerns; and
- strategies to increase parental awareness on available community programs and services that addressed risky behaviors, suicide risks, and behavioral health concerns.

A district board of trustees and the governing body of an open-enrollment charter school, with the advice of the health advisory council, would determine the specific content of the district's healthy relationships curriculum. The curriculum would be required to:

- be supported by research that was peer-reviewed;
- be compliant with accepted scientific methods;
- be recognized as accurate by leading and relevant organizations and agencies; and
- promote certain strategies to develop relationship, communication, and decision-making skills.

Training for district peace officers. CSSB 11 would remove an exemption for school districts with an enrollment of 30,000 or fewer from statutory requirements for certain training for district-commissioned peace or resource officers. The training would have to be successfully completed within 180 days of the officer's commission by or placement in the district or campus. Resource officers in districts of fewer than 30,000 students would have to complete the training by August 31, 2020.

Availability of funds. TEA and TSSC would be required to implement a provision of the bill only if the Legislature appropriated funds specifically for that purpose. If the Legislature did not appropriate the necessary funds, TEA or TSSC could implement provisions of the bill using other appropriations available for that purpose.

Mental health promotion and intervention. School districts that developed practices and procedures for certain mental health promotion and intervention programs could include a procedure for providing educational materials to all parents and families in the district that contained information on identifying risk factors, accessing resources for treatment or support provided on and off campus, and accessing available student accommodations provided on campus.

Not later than January 1, 2020, TSSC would develop a list of best practices for ensuring the safety of public school students receiving instruction in portable buildings and provide information regarding the list of best practices to schools using portable buildings.

Mental health resources. A local mental health authority would be required to employ and supervise a non-physician mental health professional to serve as a mental health and substance use resource for

school districts served by a regional education service center (ESC) and in which the local mental health authority provided services. The authority would have to consult with the ESC when making a hiring decision and enter into a memorandum of understanding for administering the bill's requirements.

School districts would not be required to use the professional as a resource or participate in training provided by the professional.

The professional would have to act as a resource for ESC and school district personnel by helping them understand mental health and substance abuse disorders and how to address those issues. The professional would have to ensure that ESC and district personnel were aware of resources from the Health and Human Services Commission to support mental health. The professional would have to facilitate monthly mental health first aid training, provide support to children with intellectual or development disabilities who suffered from grief or trauma, and carry out other duties as specified in the bill.

The local mental health authority that employed the professional would have to pay the ESC a reasonable negotiated cost recovery fee for providing the professional with space to carry out the professional's duties. The fee could not exceed $15,000 unless a larger fee was agreed to by the authority and center.

A state agency to which funding was appropriated to carry out the requirements would have to ensure that the money was distributed equally among the local mental health authorities that employed and supervised the mental health professionals.

Charter schools. CSSB 11 would require open-enrollment charter schools to:

- require their governing board to determine specific content and curriculum of the school's healthy relationships education with the advice of the local health advisory council;
- adopt and implement a multihazard emergency operations plan for use in the school's facilities;

- establish a school safety and security committee; and
- develop a model safety and security audit procedure.

Effective date. Unless specified otherwise by the bill, certain provisions of the bill would apply beginning with 2019-2020 school year.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019.

SUPPORTERS SAY:

CSSB 11 would implement multidisciplinary school safety strategies designed to prevent school violence and protect Texas children. The bill would better prepare and equip schools to handle security threats and provide resources to support the mental health of students and staff. Following a tragic school shooting in 2018, the governor and legislative committees developed recommendations to address school violence, several of which are included in the bill.

Emergency planning. CSSB 11 would improve the ability of teachers and school personnel to respond to a school shooting or other emergency by requiring better emergency response planning and training. The training would be extended to substitute teachers, who have been victims of school violence in Texas. Local officials would be held accountable if they failed to follow the bill's requirements for stronger emergency operations plans.

Threat assessment. CSSB 11 would recognize the need to prevent security threats through early identification of students who are in crisis and the provision of services to help those students. The proposed threat assessment teams would bring together multiple people with relevant expertise to identify student behaviors that could signal the desire of students to harm themselves or others.

Concerns that a student could receive mental health treatment without a parent consenting are unfounded because existing laws require parental consent for school-based health care. Federal and state laws protecting student educational privacy would ensure that a student who was identified through the bill's threat assessment processes would not be

subjected to future consequences involving the right to own a gun.

Healthy relationships education. The bill could improve school climates by permitting local school health advisory councils to recommend age-appropriate instruction on healthy relationships. One of the best ways to keep schoolchildren safe is to have a positive school climate based on strong, healthy relationships and interpersonal communication.

Facilities and funding. School building codes would be updated to ensure best practices were used in designing and retrofitting school facilities. It is important that schools have security features that make them a harder target for a person desiring to cause harm to the students and staff inside.

The bill would provide a funding mechanism that recognizes the ongoing costs of securing school facilities and providing mental health resources. Local school officials would have flexibility to decide how to use the funding for ongoing costs of making schools safer.

OPPONENTS SAY:

CSSB 11 could lead to the profiling of students who act differently from other students as being a possible threat to school safety.

Threat assessment. The bill could result in students being wrongly identified as having mental health issues, which could lead to unnecessary treatment and medication that could pose a risk to adolescents. The bill also could have unintended consequences for students with special needs who could be viewed as a threat because they had an outburst or a bad day. The bill should provide stronger provisions for notifying parents if their child is subject to a threat assessment.

Some experts who have studied school shootings have concluded it is difficult to predict if a student will become violent. In some situations, mental health treatment and medications have failed to prevent young persons from committing violent acts.

In addition, the bill includes the use of tobacco, alcohol, and drugs as being a component in assessing whether a student presents a threat. The bill makes an unfounded connection between the use of such substances,

which should be discouraged, and a propensity for violence.

The bill could result in students being tagged as a threat, which could carry consequences for the future, such as hindering them from legally owning a gun. The bill should clarify that students should not be targeted solely because they legally own weapons that are kept away from school property.

Healthy relationships education. It is the role of parents, not schools, to teach children about healthy relationships. Parents are in the best position to ensure that their family's values are followed when discussing sensitive topics.

OTHER OPPONENTS SAY:

Although CSSB 11 would take a comprehensive approach to increasing school safety, the bill would fail to address the shortage of school counselors and licensed school psychology specialists. Schools need these professionals to help students dealing with issues such as bullying and family concerns. School psychology specialists could be especially critical in assessing whether a student poses a risk to self or others. The bill should allow schools to use their safety allotment funding to hire counselors and should establish a grant program to repay student loans for counselors and for licensed school psychology specialists to build the pipeline of students going into these fields.

NOTES:

According to the Legislative Budget Board, the bill would have a negative impact of about $530.6 million to general revenue related funds through fiscal 2020-21. The analysis assumes that the school safety allotment would be set at $50 per student in average daily attendance. The bill would make no appropriation but could provide the legal basis for an appropriation.

SUBJECT: Revising statutes dealing with human trafficking, prostitution

COMMITTEE: Criminal Jurisprudence — committee substitute recommended

VOTE: *After recommitted:*
6 ayes — Collier, Zedler, K. Bell, J. González, Hunter, P. King

0 nays

3 absent — Moody, Murr, Pacheco

SENATE VOTE: On final passage, March 27 — 31-0

WITNESSES: *On House companion bill, HB 15:*
For — (*Registered, but did not testify*: Melissa Shannon, Bexar County Commissioners Court; Pete Gallego, Bexar County Criminal District Attorney's Office; Jason Sabo, Children at Risk; Chris Jones, CLEAT; Ann Hettinger, Concerned Women for America; Matthew Williamson, Dallas Police Department; Priscilla Camacho, Dallas Regional Chamber; Traci Berry, Goodwill Central Texas; Ender Reed, Harris County Commissioners Court; Will Francis, National Association of Social Workers-Texas Chapter; Jimmy Rodriguez, San Antonio Police Officers Association; Lori Henning, Texas Association of Goodwills; Michael Barba, Texas Catholic Conference of Bishops; Lonzo Kerr, Texas NAACP; Kyle Ward, Texas PTA; Jason Vaughn, Texas Young Republicans; Carl F. Hunter II; Robert Norris; Arthur Simon)

Against — David Gonzalez and Allen Place, Texas Criminal Defense Lawyers Association; (*Registered but did not testify*: John Chancellor and Roy Hunter, Texas Police Chiefs Association)

On — Allison Franklin, Texas Criminal Justice Coalition; Kirsta Melton, Office of the Attorney General; (*Registered, but did not testify*: Brian Francis and Colleen Tran, Texas Department of Licensing and Regulation; Manuel Espinosa, Texas Department of Public Safety)

DIGEST: CSSB 20 would create new offenses related to the promotion of

prostitution, revise penalties for some prostitution offenses, revise procedures concerning orders of nondisclosure for certain victims of human trafficking, and allow the attorney general to contract to collect information on human trafficking.

Criminal offenses. The bill would make several changes to laws governing offenses related to human trafficking and prostitution, including creating two new offenses and revising certain punishments.

Online promotion of prostitution. CSSB 20 would create two new criminal offenses for the online promotion of prostitution. A person would commit the offense of online promotion of prostitution if the person owned, managed, or operated an interactive computer service or information content provider, or operated as an information content provider, with the intent to promote the prostitution of another person or to facilitate another person engaging in prostitution.

The offense of aggravated online promotion of prostitution would be committed under the same circumstances if the intent was to promote the prostitution of five or more persons or to facilitate five or more persons engaging in prostitution.

First offenses of online promotion of prostitution would be third-degree felonies (two to 10 years in prison and an optional fine of up to $10,000). The penalty would be increased to a second-degree felony (two to 20 years in prison and an optional fine of up to $10,000) for second offenses or if the actor had been previously convicted of aggravated online promotion of prostitution. It also would be a second-degree felony if the online promotion of prostitution involved someone younger than 18 years old engaging in prostitution, regardless of whether the actor knew the age of the person at the time of the offense.

First offenses of aggravated online promotion of prostitution would be second-degree felonies. Repeat offenses would be first-degree felonies (life in prison or a sentence of five to 99 years and an optional fine of up to $10,000). An offense also would be a first-degree felony if it involved two or more persons younger than 18 years old engaging in prostitution, regardless of whether the actor knew the age of the persons at the time of

the offense.

These new offenses would be included among the offenses that could be a component of the offense of human trafficking. They also would be included in current provisions that make defendants civilly liable to victims of certain prostitution crimes for related damages.

CSSB 20 would include the new offenses with other prostitution offenses in statutes dealing with crime victims' rights, the collection of statistics by the Department of Public Safety, eligibility for first offender prostitution prevention programs, and the interception of communications with a court order.

The bill also would prohibit the release of those convicted of aggravated online promotion of prostitution on intensive supervision parole, a type of release available to TDCJ to manage its population under certain extraordinary circumstances.

Mandatory probation for prostitution, sellers. CSSB 20 would require judges to place on probation individuals convicted of certain offenses of prostitution for selling sex. For these defendants, judges would have to require the defendant to participate in a commercially sexually exploited persons court program if there were such a program where the defendant lived. Current requirements that prosecutors agree and that participants consent to participation in such programs would no longer apply, and judges could suspend program fees collected from participants. If a jury assessed punishment in a case, the judge would have to follow the recommendations of the jury rather than the requirements of the bill.

Criminal penalties. The bill would make continuous human trafficking a stackable offense so that if a defendant were found guilty of more than one offense from the same criminal episode, the sentences could run concurrently or consecutively.

The bill also would make the current definition of coercion that applies to sex trafficking of adults applicable to all human trafficking offenses.

Orders of nondisclosure. CSSB 20 would revise statutes governing

orders of nondisclosure for certain victims of human trafficking. The bill would expand provisions that currently apply only to defendants who were placed on community supervision (probation) and instead apply them to all defendants who were convicted or placed on deferred adjudication and would revise other requirements for an order of nondisclosure to be granted.

The bill would establish the conditions that had to be met for a court to issue an order of nondisclosure for victims of human trafficking, including that the order be in the best interest of justice. The bill would allow multiple requests for nondisclosure to be consolidated and filed in one court, and petitions would have to be filed at least one year after the victim completed a sentence or had the charges dismissed.

Collection of information. CSSB 20 would allow the attorney general to contract with an institution of higher education for assistance in collecting and analyzing information received by the states Human Trafficking Prevention Task Force.

The bill generally would take effect September 1, 2019.

SUPPORTERS SAY:

CSSB 20 would implement several recommendations of the Texas Human Trafficking Prevention Task Force, which has been working since 2009 to fight human trafficking and to coordinate state resources in that fight. Texas has made strides in attacking this form of modern-day slavery and in supporting its victims, and the bill would continue this progress.

CSSB 20 reflects the consensus of almost 60 agencies and organizations that helped develop and evaluate the task force recommendations. The bill would strengthen prosecutions of human trafficking and related crimes and better protect victims and address their need for services and legal protections.

Criminal offenses. CSSB 20 would improve the prosecution of offenses that contribute to human trafficking by creating new offenses aimed at those who used the internet to promote prostitution. These new offenses would be targeted at traffickers and would give law enforcement the tools to go after websites that profit from advertising those involved in

prostitution and trafficked individuals. The creation of these offenses also would help implement federal law.

Sellers of prostitution often are victims of crimes, and the bill would acknowledge this by requiring that they receive probation for certain offenses. The bill also would mandate that these victims be connected to existing social services, giving them multiple opportunities to benefit from support systems that could help change their lives, rather than simply incarcerating them. Special court programs would be the best portal to these services and could address victims' individual needs.

Orders of nondisclosure. CSSB 20 would broaden and simplify the process by which victims of trafficking could obtain orders of nondisclosure. Allowing victims to keep their criminal records closed would help them put their lives back together without the collateral consequences that can accompany a criminal record. The bill has safeguards to ensure its provisions would be used in appropriate cases as well as provisions to ensure judicial economy by allowing requests relating to multiple records to be consolidated into one.

OPPONENTS SAY:

While CSSB 20 includes many provisions that would help the state in the fight against human trafficking, some provisions could reduce judicial discretion or impose inappropriate requirements in some cases on victims of prostitution and human trafficking.

Criminal offenses. Requiring certain prostitution offenders to receive probation would reduce judicial discretion in these cases. Courts already may impose probation when it is appropriate, and in other cases it may not be appropriate or defendants may want to choose jail time over probation.

CSSB 20 should not impose standard consequences for all trafficking victims placed on probation for prostitution. Victims have individual needs, and the bill should allow individualized services to be developed for them, rather than require all of these victims to attend a special court program.

OTHER OPPONENTS

CSSB 20 should include more of an emphasis for pre-arrest diversion of victims of human trafficking. Victims may have multiple encounters with

SAY: the criminal justice system, some of which would be more appropriately handled by diversion to reduce overcriminalization.

NOTES: CSSB 20 was reported favorably without amendment from the House Committee on Civil Jurisprudence on April 23, placed on the Major State Calendar on May 13, recommitted to committee, and reported favorably as substituted on May 17.

SUBJECT: Proposing a constitutional amendment to issue bonds for EDAP projects

COMMITTEE: Natural Resources — committee substitute recommended

VOTE: 7 ayes — Larson, Metcalf, Dominguez, Farrar, Harris, Lang, Oliverson

0 nays

4 absent — T. King, Nevárez, Price, Ramos

SENATE VOTE: On final passage, May 8 — 21-10 (Bettencourt, Birdwell, Campbell, Creighton, Fallon, Hall, Hughes, Paxton, Schwertner, Seliger)

WITNESSES: *On House companion joint resolution, HJR 11*:
For — Hector Gonzalez, El Paso Water; (*Registered, but did not testify*: Carolyn Brittin, ACG of Texas, Highway Heavy; Guadalupe Cuellar, City of El Paso; Steve Bresnen and Claudia Russell, El Paso County; Marmie Edwards, League of Women Voters; Cyrus Reed, Lone Star Chapter Sierra Club; Bill Kelly, City of Houston Mayor's Office; Justin Yancy, Texas Business Leadership Council; Monty Wynn, Texas Municipal League; Perry Fowler, Texas Water Infrastructure Network)

Against — None

On — Jeff Walker, Texas Water Development Board

BACKGROUND: Water Code ch. 17, subch. K establishes the Economically Distressed Areas Program (EDAP) under the control of the Texas Water Development Board (TWDB).

EDAP provides financial assistance for projects to develop water and wastewater services in economically distressed areas where these services or facilities are inadequate to meet minimum state standards. An economically distressed area is a political subdivision in which the median household income level is no greater than 75 percent of the state's median income level.

The program is funded by proceeds from bonds sold by TWDB. In both 1989 and 2007, the program received constitutional authority to issue $250 million in bonds, and it previously received federal funds. The 85th Legislature in 2017 authorized TWDB to issue the program's remaining constitutionally authorized bonding authority of about $53.5 million.

DIGEST:

CSSJR 79 would amend the Texas Constitution to allow the Texas Water Development Board (TWDB) to issue additional general obligation bonds for the Economically Distressed Areas Program (EDAP) account. TWDB could issue the bonds in amounts such that the aggregate principal amount of the bonds issued under the amended section that were outstanding at any time would not exceed $200 million. The bonds would be used to provide financial assistance for the development of water supply and sewer service projects in economically distressed areas of the state.

TWDB could issue the general obligation bonds as bonds, notes, or other obligations. The bonds would be sold in forms and denominations, on terms, at times, in the manner, at places, and in installments as determined by the board. TWDB also would determine the rate or rates of interest the bonds would bear. The bonds would be incontestable after execution by TWDB, approval by the attorney general, and delivery to the purchaser.

The ballot proposal would be presented to voters at an election on November 5, 2019, and would read: “The constitutional amendment providing for the issuance of additional general obligation bonds by the Texas Water Development Board in an amount not to exceed $200 million to provide financial assistance for the development of certain projects in economically distressed areas.”

SUPPORTERS SAY:

CSSJR 79 would provide critical financing for the development of necessary water and wastewater infrastructure in economically distressed areas of Texas. The Economically Distressed Areas Program (EDAP) needs to be replenished if it is to continue funding existing projects and support future projects for communities that could not otherwise afford secure access to safe water. CSSJR 79 would allow Texas voters the opportunity to continue supporting this important program.

While the costs of water infrastructure are high, it is essential that Texans

have access to water that meets state standards. Financing some of these costs through bond issues would allow for greater and more reliable funding over a longer period of time. Using general revenue to support EDAP and water infrastructure development would strain available resources without providing the long-term benefits of a bond issue.

OPPONENTS SAY:

CSSJR 79 would ask voters to constitutionally dedicate funds for the issuance of bonds in support of EDAP. The state should not constitutionally dedicate funds to specific programs, and any necessary infrastructure improvements should be funded using general revenue.

NOTES:

SB 2452 by Lucio (M. González), the enabling legislation for CSSJR 79, is on today's General State Calendar.

According to the Legislative Budget Board, CSSJR 79 would have a negative impact of about $3.5 million to general revenue related funds through fiscal 2020-21.

SUBJECT: Amending overpayment recoupment process under Medicaid

COMMITTEE: Human Services — favorable, without amendment

VOTE: 8 ayes — Frank, Hinojosa, Clardy, Deshotel, Klick, Meza, Miller, Rose

0 nays

1 absent — Noble

SENATE VOTE: On final passage, May 1 — 31-0

WITNESSES: *On House companion bill, HB 4192:*
For — Rachel Hammon, Texas Association for Home Care and Hospice; Jesse Howard, Girling Healthcare; (*Registered, but did not testify:* James Clark and Elise Richardson, Texas Ambulance Association; Will Francis, National Association of Social Workers-Texas Chapter; Lee Johnson, Texas Council of Community Centers; Carole Smith, Private Providers Association of Texas)

Against — None

On — Jordan Nichols, Health and Human Services Commission

BACKGROUND: Government Code sec. 531.1131 requires Medicaid managed care organizations (MCOs) that discover fraud or abuse in Medicaid or the child health plan program to make certain payment recovery efforts after giving notice to the appropriate authorities. This section also requires the executive commissioner of the Health and Human Services Commission (HHSC) to adopt rules establishing due process procedures for MCOs engaging in payment recovery efforts.

Sec. 531.024172(g) authorizes HHSC to recognize a health care provider's proprietary electronic visit verification system if it meets certain standards and has been used by the provider since at least June 1, 2014.

Some observers have noted the need to address burdensome

administrative expenses imposed on Medicaid health providers during the claims and overpayment recoupment processes. They suggest that revising laws governing electronic visit verification systems would give providers flexibility and reduce certain administrative burdens.

DIGEST:

SB 1991 would require the executive commissioner of the Health and Human Services Commission (HHSC) to adopt rules that standardized the process by which a managed care organization (MCO) collected alleged overpayments made to a health care provider and discovered through an audit or investigation conducted by the organization secondary to missing electronic visit verification information.

In adopting these rules, the executive commissioner would have to require the MCO to provide written notice of the organization's intent to recoup overpayments by the 30th day after the audit was completed and limit the duration of audits to 24 months.

The required notice would have to inform the provider:

- of the specific claims and electronic visit verification transactions that were the basis of the overpayment;
- of the process the provider should use to communicate with the MCO to provide information about the transactions;
- of the provider's option to seek an informal resolution of the alleged overpayment;
- of the process to appeal the determination that an overpayment was made; and
- that the provider who intended to respond would have to do so by the 30th day after receiving the notice.

An MCO could not attempt to recover an alleged overpayment until the provider had exhausted all rights to an appeal.

In adopting rules establishing due process procedures for MCOs engaging in payment recovery efforts under Medicaid and the child health plan program, the executive commissioner of HHSC would have to require MCOs or entities with which an MCO contracted for payment recovery

efforts to provide:

- written notice to health providers required to use electronic visit verification of the organization's intent to recoup overpayments; and
- providers with at least 60 days to cure any claim defect before the organization could begin any efforts to collect overpayments.

The bill would remove the provision allowing a health care provider's proprietary electronic visit verification system to be recognized by HHSC if the system had been used since at least June 1, 2014.

The bill also would allow an electronic visit verification system to be recognized regardless of whether it was purchased or developed by the provider. If feasible, the executive commissioner of HHSC would have to ensure that a provider who used a recognized system could be reimbursed.

In order to facilitate the use of proprietary electronic visit verification systems by health care providers, the bill would require HHSC or the executive commissioner, in consultation with industry stakeholders and an established work group, to:

- develop an open model system that mitigated the administrative burdens identified by providers who were required to use electronic visit verification;
- allow providers to use emerging technologies in the providers' proprietary electronic visit verification systems; and
- adopt rules governing data submission and provider reimbursement.

HHSC would have to implement a provision of the bill only if the Legislature appropriated money specifically for that purpose.

The bill would take effect September 1, 2019.

SUBJECT: Allowing HHSC to keep certain federal funds for program administration

COMMITTEE: Appropriations — committee substitute recommended

VOTE: 21 ayes — Zerwas, Longoria, C. Bell, Buckley, Capriglione, Cortez, S. Davis, Hefner, Howard, Jarvis Johnson, Miller, Minjarez, Muñoz, Rose, Sheffield, Smith, Stucky, Toth, J. Turner, VanDeaver, Wu

1 nay — Schaefer

5 absent — G. Bonnen, M. González, Sherman, Walle, Wilson

SENATE VOTE: On final passage, April 29 — 30-1 (Nelson)

WITNESSES: For — (*Registered, but did not testify*: Maggie Stern, Children's Defense Fund; Troy Alexander, Texas Medical Association; Kaitlyn Doerge, Texas Pediatric Society; Shana Ellison; Robert Norris; Nita Williams)

Against — None

On — (*Registered, but did not testify*: Victoria Grady and Charlie Greenberg, Health and Human Services Commission)

DIGEST: CSSB 2138 would allow the Health and Human Services Commission (HHSC) to retain a portion of funds the commission received from certain federal programs to pay the programs' administrative costs. The commission could retain funds in an amount equal to the estimated costs necessary to administer the program for which the funds were received, up to $8 million per biennium. These provisions would apply to funds HHSC received from a source other than the general revenue fund to operate a Medicaid Section 1115 waiver program or a directed payment program or successor program as determined by the commission.

HHSC would have to spend funds retained under the bill to assist in paying necessary administrative costs for the program for which the money was received. The commission could not use the funds for administrative costs that, before June 1, 2019, were funded with general

revenue.

If HHSC determined that the commission needed additional money to administer a program it could, with the approval of the governor and the Legislative Budget Board, retain up to an additional 0.25 percent of the total amount estimated to be received for the program.

HHSC would be required to submit an annual report to the governor and the Legislative Budget Board that:

- detailed the amount of money retained and spent by the commission during the preceding fiscal year, including separate details on any increase in the amount of money retained for a program;
- contained a transparent description of how the commission used the money retained; and
- assessed the extent to which money retained by the commission covered the estimated costs to administer the applicable program and whether, based on that assessment, the commission adjusted or considered adjustments to the amount retained.

If before implementing any provision of the bill a state agency determined that a waiver or authorization from a federal agency was necessary, the agency affected by the provision would have to request the waiver or authorization and could delay implementing that provision until the waiver or authorization was granted.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019.

SUPPORTERS SAY:

CSSB 2138 would help the state pay the administrative costs of overseeing certain programs, which would benefit both the state and the program providers. Currently, the Health and Human Services Commission (HHSC) administers certain federal programs that provide hospitals with funding for care to the uninsured and those on Medicaid. The cost of administering the programs is paid with general revenue, but additional resources are needed due to the increasing complexity of the

programs and changing federal reporting requirements.

CSSB 2138 would meet this need without expending additional state funds by allowing HHSC to use a portion of the federal funds for administrative costs. This would be in line with how administrative costs are handled for certain other federal programs for which the state can retain a portion of federal funds.

The growth in state administrative functions would be appropriate because the funds that would be retained under the bill would benefit program providers, recipients, and the state and would come at no cost to state revenue. With the retained funds, the state could provide additional support and greater oversight of the programs, including by making more timely payments and engaging more with program providers. The bill also would increase transparency on the use of the funds.

CSSB 2138 contains safeguards to ensure that funds were spent appropriately and limited to necessary costs. The amount retained would be capped, and it could be used only for the administrative costs of the programs. HHSC would have to report on its use of retained funds, including a transparent report on the use of the money.

OPPONENTS SAY:

CSSB 2138 would result in an increase in state employees at a relatively high cost for programs the state already is administering, which could grow government unnecessarily. If the size of state government is going to increase, it should be clear what new necessary administrative tasks are being taken on and paid for with the increase.

SUBJECT: Requiring HHSC to create the Long-Term Care Facilities Council

COMMITTEE: Human Services — favorable, without amendment

VOTE: 8 ayes — Frank, Hinojosa, Deshotel, Klick, Meza, Miller, Noble, Rose

0 nays

1 absent — Clardy

SENATE VOTE: On final passage, May 3 — 31-0, on Local and Uncontested Calendar

WITNESSES: For — Ron Haney, Texas Health Care Association; (*Registered, but did not testify*: Chris Masey, Coalition of Texans with Disabilities; Jaime Capelo, Texas Assisted Living Association; Kimberly Lovejoy)

Against — None

BACKGROUND: Some have suggested a continued need for the Long-Term Care Facility Survey and Informal Dispute Resolution Council that was abolished on June 1, 2017, due to the large number of aging Texans and the importance of having quality long-term care facilities in the state.

DIGEST: SB 1519 would require the executive commissioner of the Health and Human Services Commission (HHSC) to create a Long-Term Care Facilities Council as a permanent advisory committee to HHSC. The council's members would be appointed by the executive commissioner, and the council would include at least one:

- for-profit nursing facility provider;
- nonprofit nursing facility provider;
- assisted living services provider;
- person responsible for survey enforcement within the state survey and certification agency;
- person responsible for survey inspection within the state survey and certification agency;
- member of the state agency responsible for informal dispute

resolution;

- person with expertise in Medicaid quality-based payment systems for long-term care facilities;
- practicing medical director of a long-term care facility; and
- physician with expertise in infectious disease or public health.

The council's presiding officer would be designated by the executive commissioner, and the members would elect any other necessary officers. The council members would not be entitled to reimbursement of expenses or to compensation for service on the council, and law governing state agency advisory committees would not apply to the council. The council would meet at the call of the executive commissioner.

The executive commissioner would have to establish the Long-Term Care Facilities Council and appoint its members by December 1, 2019.

Duties. The council would be required to study and make recommendations on a consistent survey and informal dispute resolution process for long-term care facilities and Medicaid quality-based payment systems for those facilities. The council would have to:

- study and make recommendations regarding best practices and protocols to make survey, inspection, and informal dispute resolution processes more efficient and less burdensome on long-term care facilities;
- recommend uniform standards for those processes; and
- study and make recommendations regarding Medicaid quality-based payment systems and a rate-setting methodology for long-term care facilities.

Enhancement methodology assessment. The council would have to assess the impact that the implementation of the enhancement methodology for the staff rate enhancement paid to qualified nursing homes under the managed care program would have on long-term care facilities. The council would have to complete this assessment and make a recommendation to HHSC regarding that implementation by September 1, 2021. If the council advised that the implementation of the methodology

would have a significant impact on long-term care facilities, HHSC could delay the implementation until September 1, 2023, provided that HHSC published notice of that delay in the Texas Register as soon as practicable.

This section would expire September 1, 2023.

Report. By January 1 of each odd-numbered year, the council would have to submit a report on its findings and recommendations to the executive commissioner of HHSC, the governor, the lieutenant governor, the House speaker, and the chairs of the appropriate legislative committees.

Appropriation contingency. The bill would require HHSC to implement the provisions of this bill only if the Legislature appropriated money specifically for that purpose. If the Legislature did not appropriate money specifically for that purpose, HHSC could, but would not be required to, implement provisions using other appropriations available for that purpose.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019.

SUBJECT: Creating a municipal management district for certain land in Austin

COMMITTEE: County Affairs — favorable, without amendment

VOTE: 6 ayes — Coleman, Anderson, Biedermann, Cole, Dominguez, Rosenthal

0 nays

3 absent — Bohac, Huberty, Stickland

SENATE VOTE: On final passage, May 8 — 31-0

WITNESSES: No public hearing

BACKGROUND: It has been suggested that the Lions Municipal Golf Course in Austin, known locally as "Muny," which currently is owned by the University of Texas at Austin and leased by the city, should be preserved as green space and for its historical significance.

DIGEST: SB 2553 would establish the Save Historic Muny District to preserve the land used for the Lions Municipal Gold Course in Austin as a golf course, publicly available parkland, or a combination of these uses.

Purpose and governance. The district would be a municipal management district located in certain areas of Austin described in the bill. Its establishment would not preclude the preservation of the land as a functioning golf course nor would it require a person to sell the land to the district or the City of Austin or enter into an agreement with the district.

The district would be governed by a board of five directors. Their appointments and terms are specified in the bill.

Activities. The district, using any money available, could acquire, construct, operate, maintain, or finance any improvement project or service allowed to municipal management districts. The district could contract with a governmental or private entity to carry out any of these actions, which would be considered governmental functions or services

for the purposes of interlocal cooperation contracts.

The district could not exercise the power of eminent domain.

Funding. The district could enter into a contract with the city to allow the city to provide revenue from fees collected from municipally owned utility customers in the district in exchange for the district providing an improvement project or service that provided a public benefit to the city.

The city and district could not enter into a contract for the imposition of a fee unless the fee was approved in an election. If voters approved a ballot proposition for the fee, the district would not be allowed to exceed any limitations imposed on the project by the proposition. If the proposition was not approved, the district could not call a subsequent election on the imposition of a fee for the same proposed project before the first anniversary of the previous election.

The district could charge rates, fares, charges, rents, or other fees but could not impose an assessment, tax, impact fee or standby fee.

The district could accept a gift, grant, or donation from a public or private source and could join and pay dues to a charitable or nonprofit organization that performs a service or provides an activity consistent with the furtherance of the district purpose.

Dissolution. The board would dissolve the district on December 31, 2020, unless a fee had been approved at an election or the district had entered into an agreement with the owner of the Lions Municipal Golf Course that provided for the purchase of the land or a method of preserving the land as a golf course, publicly available parkland, or a combination of those uses.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019.

SUBJECT: Treating certain medical residents and fellows as governmental employees

COMMITTEE: Judiciary and Civil Jurisprudence — favorable, without amendment

VOTE: 6 ayes — Leach, Farrar, Y. Davis, Julie Johnson, Smith, White

0 nays

3 absent — Krause, Meyer, Neave

SENATE VOTE: On final passage, April 26 — 30-0, on Local and Uncontested Calendar

WITNESSES: *On House companion bill, HB 3182:*
For — (*Registered, but did not testify*: Maureen Milligan, Teaching Hospitals of Texas; Lee Parsley, Texans for Lawsuit Reform; George Christian, Texas Civil Justice League; Dan Finch, Texas Medical Association; Jill Sutton, Texas Osteopathic Medical Association)

Against — None

On — (*Registered, but did not testify*: Melissa Pifko, University of Texas Health Science Center Houston)

BACKGROUND: Some have suggested that recent court decisions make it unclear whether residents and fellows in graduate medical training programs sponsored by governmental units whose positions are funded through foundations are considered employees of the governmental units for purposes of determining whether the residents or fellows receive certain tort claims liability protection.

DIGEST: SB 1755 would include residents or fellows in graduate medical training programs that were sponsored by governmental units as employees of the governmental units regardless of the method or source of payment of the residents or fellows.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take

effect September 1, 2019.

SUBJECT: Determining compensation for releasing certain areas from utility services

COMMITTEE: Natural Resources — committee substitute recommended

VOTE: 8 ayes — Larson, Metcalf, Dominguez, Farrar, Harris, Lang, Nevárez, Ramos

0 nays

3 absent — T. King, Oliverson, Price

SENATE VOTE: On final passage, May 1 — 31-0

WITNESSES: *On House companion bill, HB 4254:*
For — Terry Kelley, Johnson County Special Utility District; Trey Lary, Allen Boone Humphries Robinson LLP; Lara Zent, Texas Rural Water Association; (*Registered, but did not testify:* Kerry Cammack, SouthWest Water Company; John Carlton, Texas State Association of Fire and Emergency Districts; Jeff Heckler, Green Valley Special Utility District, Sharyland Water Supply Corporation; Morgan Johnson, San Jose Water; Joe Morris, Aqua Water Supply Corporation; Scott Norman, Texas Association of Builders)

Against — None

On — Tammy Benter, Public Utility Commission of Texas

BACKGROUND: Under Water Code sec. 13.242, unless otherwise specified, a water and sewer utility or a water supply or sewer service corporation may not render retail services to the public without obtaining a certificate of public convenience and necessity from the Public Utility Commission (PUC).

Sec. 13.254(a-5) allows the owner of certain land that is not receiving water or sewer services to petition PUC for expedited release of the area from a certificate so that the area may receive service from another utility. Under sec. 13.254(a-6), PUC shall grant a petition no later than 60 days after it was filed and may not deny a petition based on the fact that a

certificate holder is a borrower under a federal loan program. PUC may require award of compensation by the petitioner to a decertified retail public utility.

Sec. 13.254(d) prohibits a retail public utility from rendering water or sewer service to the public in an area that has been decertified without providing compensation to the decertified retail public utility for property the PUC determines is rendered useless or valueless by decertification.

Concerns have been raised that the use of the petition procedure for the expedited release of certain areas from a certificate of public convenience and necessity may result in little to no compensation for decertified utilities because of the high bar to prove property "useless or valueless."

DIGEST:

CSSB 2272 would require the monetary compensation, if any, required of a landowner who petitioned for expedited release of an area from a water or sewer utility's certificate of public convenience and necessity to be determined by a qualified independent appraiser agreed upon by the certificate holder and the petitioner. The determination of compensation by the appraiser would be binding on the Public Utility Commission (PUC). The costs of the appraiser would be borne by the petitioner.

If the petitioner and certificate holder could not agree on an independent appraiser within 10 calendar days after the date PUC approved the petition, they would have to each engage an appraiser at their own expense. Each appraisal would have to be submitted to PUC within 70 calendar days after the petition was approved.

After receiving the appraisals, PUC would have to appoint a third appraiser who would make a determination of the compensation within 100 days after the petition was approved. The determination could not be less than the lower or more than the higher appraisal. The petitioner and certificate holder would each pay half of the cost of the third appraisal.

The bill would require PUC to ensure that:

- the compensation was determined by the 60th day after the date PUC received the final appraisal; and

- the petitioner paid the compensation to the certificate holder by the 90th calendar day after the date the compensation was determined.

Rather than prohibiting a utility from rendering water or sewer service in an area that had been decertified without providing compensation for any property determined to be useless or valueless, a retail public utility could not provide service in such areas unless just and adequate compensation required by the bill had been paid to the decertified retail public utility.

The bill also would prohibit a certificate holder from initiating an application to borrow money under a federal loan program after a petition was filed until PUC issued a decision on the petition.

The bill would take effect September 1, 2019, and would apply only to a proceeding affecting a certificate of public convenience and necessity that commenced on or after that date.

SUBJECT: Prohibiting deceptive website domain names used for ticket sales

COMMITTEE: Business and Industry — favorable, without amendment

VOTE: 9 ayes — Martinez Fischer, Darby, Beckley, Collier, Landgraf, Moody, Parker, Patterson, Shine

0 nays

SENATE VOTE: On final passage, April 23 — 29-2 (Hughes, Kolkhorst)

WITNESSES: *On House companion bill, HB 3528:*
For — (*Registered, but did not testify*: John Kroll, AEG Live; Mark Vane; Live Nation Ticketmaster)

Against — None

DIGEST: SB 2409 would prohibit a website operator from intentionally using without authorization certain names or trademarks in the domain name or subdomain of a ticket website's URL, including:

- the name of a performer, defined as an individual, team, group, or other person that entertained an audience;
- the name of an organization or association that was associated with a performer, such as a professional sports league;
- the name of a venue in Texas;
- the name of an exhibition, performance or other event to be held at a venue in Texas;
- any name substantially similar to one of the above, including a misspelling of the name; or
- a trademark not owned by the website operator.

The prohibition would not apply to a website operator who was authorized by a performer, organization, venue, or event's organizer to use the name or trademark on its behalf for the purpose of selling or reselling tickets.

SB 2409 would make a violation of the bill a deceptive trade practice

under the Deceptive Trade Practices-Consumer Protection Act, and actionable under that act.

The bill would take effect September 1, 2019.

SUPPORTERS SAY:

SB 2409 would protect Texas consumers by prohibiting a misleading practice used by bad actors in the secondary ticket market for music or sports events.

Third-party ticketing vendors sometimes use deceptive internet domain names that mislead customers into believing that tickets being resold are being offered directly from the event venue or the performer at official retail price, while they are actually being sold by a reseller at an inflated price. The bill would address this activity by making it a deceptive trade practice, which would allow violators to be fined by the attorney general and liable for damages in a lawsuit.

OPPONENTS SAY:

SB 2409 is intended to target bad actors, but the restriction it would impose on the use of internet domain names could negatively impact legitimate commerce. By codifying restrictions on domain names, the bill also could lead to more government interference in the marketplace in the future.

SUBJECT: Requiring human trafficking signs at certain transportation hubs

COMMITTEE: Transportation — favorable, without amendment

VOTE: 11 ayes — Canales, Y. Davis, Goldman, Hefner, Krause, Leman, Martinez, Ortega, Raney, Thierry, E. Thompson

0 nays

2 absent — Landgraf, Bernal

SENATE VOTE: On final passage, April 11 — 31-0

WITNESSES: For — (*Registered, but did not testify*: Gary Pedigo, Brotherhood of Locomotive Engineers and Trainmen; Priscilla Camacho, Dallas Regional Chamber; Traci Berry, Goodwill Central Texas; Josh Cogan, Outlast Youth; Lori Henning, Texas Association of Goodwills; Allison Franklin, Texas Criminal Justice Coalition; Jennifer Allmon, The Texas Catholic Conference of Bishops)

Against — None

DIGEST: SB 1219 would require persons who operated certain bus stops, trains, train stations, rest areas, and airports to post a sign in English and Spanish regarding services and assistance available to victims of human trafficking. The sign would have to include the telephone number and website of the National Human Trafficking Resource Center and key indicators that a person is a victim of human trafficking.

The attorney general would enforce the bill's provisions and by rule would prescribe the transportation hubs required to post the sign, the manner in which the sign would have to be displayed, and, in consultation with the Texas Department of Transportation, the sign's design. The attorney general would be required to adopt the rules by September 1, 2020.

The bill would take effect September 1, 2019.

SUBJECT: Requiring higher education institutions to report on credit transferability

COMMITTEE: Higher Education — favorable, without amendment

VOTE: 8 ayes — C. Turner, Stucky, Button, Frullo, Pacheco, Schaefer, Smithee, Wilson

0 nays

3 absent — Howard, E. Johnson, Walle

SENATE VOTE: On final passage, April 26 — 30-0, on Local and Uncontested Calendar

WITNESSES: For — (*Registered, but did not testify*: Priscilla Camacho, Dallas Regional Chamber; Dustin Meador, Texas Association of Community Colleges; Mike Meroney, Texas Association of Manufacturers; Ashley Harris, United Ways of Texas)

Against — None

On — (*Registered, but did not testify*: Rex Peebles, Texas Higher Education Coordinating Board; Christopher Murr, Texas State University)

DIGEST: SB 502 would require general academic teaching institutions and medical and dental units to provide to the Texas Higher Education Coordinating Board an annual report describing any courses for which students who transferred to the institution from another institution of higher education were not granted academic credit. The report would include the course name and type, which institution provided credit, and the reason the receiving institution did not grant credit. The first report would have to be submitted by December 1, 2020.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019.

SUBJECT: Providing child abuse investigation information to private school officials

COMMITTEE: Public Education — favorable, without amendment

VOTE: 13 ayes — Huberty, Bernal, Allen, Allison, Ashby, K. Bell, Dutton, M. González, K. King, Meyer, Sanford, Talarico, VanDeaver

0 nays

SENATE VOTE: On final passage, April 4 — 31-0

WITNESSES: *On House companion bill, HB 2740:*
For — Lisette Allen and Jennifer Allmon, Texas Catholic Conference of Bishops; Laura Colangelo, Texas Private Schools Association; (*Registered, but did not testify:* Chris Masey, Coalition of Texans with Disabilities; Barry Haenisch, Texas Association of Community Schools; Casey McCreary, Texas Association of School Administrators; Will Holleman, Texas Association of School Boards; Mia McCord, Texas Conservative Coalition; Mark Terry, Texas Elementary Principals and Supervisors Association; John Grey, Texas School Alliance; Lisa Dawn-Fisher, Texas State Teachers Association; Jacob Palmer, TexProtects; Joy Davis; Calvin Tillman; Al Zito)

Against — None

On — (*Registered, but did not testify:* Demetrie Mitchell, Department of Family and Protective Services; Eric Marin, Texas Education Agency)

BACKGROUND: Family Code sec. 261.105(d) requires the Department of Family and Protective Services (DFPS) to orally notify the superintendent of a school district about any investigation that DFPS opens into alleged child abuse or neglect involving a child at a public elementary or secondary school in the district and one of the district's employees.

Sec. 261.308(d) requires DFPS to release information about an individual alleged to have committed child abuse or neglect to certain officials with control over the individual's access to children, including the Texas

Education Agency, the State Board for Educator Certification, the local school board or the school's governing body, the superintendent of the school district, or the school principal or director if DFPS determines that:

- the individual poses a substantial and immediate risk of harm to one or more children outside the family of a child who is the subject of the investigation; and
- the release of the information is necessary to assist in protecting children from the individual.

Sec. 261.406 requires DFPS to conduct an investigation upon receiving a report of alleged or suspected abuse or neglect of a child in a public or private school under the jurisdiction of the Texas Education Agency. DFPS must send a copy of its complete investigation report to the Texas Education Agency and, on request, to the State Board for Educator Certification, the local school board or the school's governing body, the superintendent of the school district, and the school principal or director, unless the principal or director is alleged to have committed the abuse or neglect.

Some have noted that DFPS is not required to notify private school administrators about certain child abuse and neglect investigations.

DIGEST:

SB 1231 would require the Department of Family and Protective Services (DFPS) to orally notify the director of an elementary or secondary open-enrollment charter school or chief executive officer of an elementary or secondary private school about any investigation that DFPS opened into alleged child abuse or neglect that involved one of the school's employees.

The bill also would require DFPS to release information about an individual alleged to have committed child abuse or neglect to the director of an open-enrollment charter school or the chief executive officer of a private school if the individual posed a substantial and immediate risk of harm to one or more children outside the family of a child who was the subject of the investigation and the release of information was necessary to assist in protecting children from the individual.

SB 1231 would require DFPS to conduct investigations upon receiving

reports of alleged or suspected abuse or neglect of children in all public and private schools, rather than just schools under the jurisdiction of the Texas Education Agency, and, in the case of private schools, send the completed investigation reports to the schools' chief executive officers for appropriate action unless a chief executive officer was alleged to have committed the abuse or neglect.

The bill would take effect September 1, 2019.

SUBJECT: Creating a council to advise on business recovery following a disaster

COMMITTEE: Homeland Security and Public Safety — favorable, without amendment

VOTE: 8 ayes — Nevárez, Paul, Burns, Calanni, Goodwin, Israel, Lang, Tinderholt

0 nays

1 absent — Clardy

SENATE VOTE: On final passage, April 17 — 31-0

WITNESSES: For — (*Registered, but did not testify*: Dana Harris, Austin Chamber of Commerce; Trent Townsend, DRC Emergency Services; Lindsay Munoz, Greater Houston Partnership; Ender Reed, Harris County Commissioners Court; John McCord, National Federation of Independent Business; Jessica Oney, NRG Energy)

Against — None

BACKGROUND: Following a recommendation by the General Land Office in a report on the lessons learned from the agency's response to Hurricane Harvey, some have suggested creating an advisory council for state and local officials to seek the expertise of the business community on disaster recovery.

DIGEST: SB 799 would create a business advisory council to provide advice and expertise on actions state and local governments could take to assist businesses in recovering from a disaster.

Members. The council would be composed of 12 members who represented business in Texas. The governor, lieutenant governor, and House speaker would appoint four members each to the council to serve staggered four-year terms. Members would elect a presiding officer.

A member would not be entitled to compensation but would be entitled to reimbursement for travel expenses incurred while conducting council

business.

Duties. The advisory council would have to:

- advise the Texas Division of Emergency Management (TDEM) on policies, rules, and program operations to assist businesses in recovering from a disaster;
- advise TDEM on the state resources and services needed to assist businesses in recovering from a catastrophic loss of electric power; and
- propose solutions to address inefficiencies or problems in the state or local governmental disaster response with respect to impact on businesses and the economy.

The advisory council would meet at the times and locations determined by the presiding officer but could not meet more than four times each year.

TDEM would have to provide administrative support to the advisory council. Existing law governing state agency advisory committees would not apply to the council.

Report. By November 1 of each even-numbered year, the advisory council would have to report on its activities, advice, and proposed solutions to TDEM, the governor, the lieutenant governor, and the House speaker.

The governor, lieutenant governor, and House speaker would have to appoint members to the council as soon as practicable after the bill's effective date, and the appointed members terms would expire as specified in the bill.

The bill would take effect September 1, 2019.

SUBJECT: Allowing use of certain bonds for EDAP, revising program requirements

COMMITTEE: Natural Resources — committee substitute recommended

VOTE: 7 ayes — Larson, Metcalf, Dominguez, Farrar, Harris, Lang, Oliverson

0 nays

4 absent — T. King, Nevárez, Price, Ramos

SENATE VOTE: On final passage, May 8 — 21-10 (Bettencourt, Birdwell, Campbell, Creighton, Fallon, Hall, Hughes, Paxton, Schwertner, Seliger)

WITNESSES: None

BACKGROUND: Water Code ch. 17, subch. K governs the Economically Distressed Areas Program (EDAP), which is administered by the Texas Water Development Board (TWDB).

EDAP provides financial assistance for projects to develop water and wastewater services in economically distressed areas where these services or facilities are inadequate to meet minimum state standards. An economically distressed area is a political subdivision in which the median household income is no greater than 75 percent of the state's medium income.

The program is funded by proceeds from bonds sold by TWDB. In both 1989 and 2007, EDAP received constitutional authority to issue $250 million in bonds, and it previously received federal funds. The 85th Legislature in 2017 authorized TWDB to issue the remaining constitutionally authorized bonding authority of about $53.5 million.

DIGEST: CSSB 2452 would allow the Texas Water Development Board (TWDB) to use certain general obligation bonds for the Economically Distressed Areas Program (EDAP), revise the administration of financial assistance through EDAP, and require an annual report on EDAP projects.

Bond authority. CSSB 2452 would allow TWDB to maximize the effectiveness of the additional general obligation bonds authorized by the Texas Constitution for use in providing financial assistance for the development of water supply and sewer service projects by using the bonds in conjunction with other sources of financial assistance, including nonpublic funds, for EDAP projects.

TWDB also could use the additional bonds to promote and support public-private partnerships that the board determined were financially viable, would diversify the methods of financing of EDAP projects, and would reduce reliance on bonds.

Financial assistance. The bill would make certain revisions to the financial assistance provided through EDAP, including changes to the administration of the EDAP account, the creation of a project prioritization system, consideration of loan repayment, and certain changes to applications for financial assistance.

CSSB 2452 would require, rather than allow, TWDB to use the economically distressed areas account to provide financial assistance to political subdivisions for the construction, acquisition, or improvement of water supply and sewer services. The bill would specify that assistance for such services could include funds for the state's participation in federal programs that provided assistance solely for projects intended to serve economically distressed areas.

The bill would require TWDB to establish a system for prioritizing EDAP projects seeking financial assistance. TWDB would have to give the highest consideration to projects that would have a substantial effect, including projects:

- that would serve an area in which it was determined that a nuisance dangerous to the public health and safety existed resulting from water supply and sanitation problems; or
- for which the applicant was subject to an enforcement action by a state or federal entity related to public health and safety issues resulting from water supply or sewer services and did not cause or allow the violation.

TWDB by rule could provide for additional consideration criteria.

CSSB 2452 would specify that an applicant for EDAP funds that included a proposal for treatment works could not be delivered funds until the applicant received:

- a permit for construction and operation from certain applicable permitting authorities, unless such a permit was not required; and
- approval of the plans from the commission, executive administrator, or other applicable authority.

The bill would require TWDB to also consider, in passing on an application for financial assistance or in determining the type of financial assistance to provide, the ability of the applicant to repay financial assistance.

The bill also would specify that a political subdivision could request a change or modification of the budget or project plan included in its application if the change did not increase the budget or change the project scope.

The bill would remove the calculation of interest as a factor in the total amount of financial assistance TWDB provided to an applicant for which repayment was not required.

TWDB could provide the repayable portion of financial assistance from any financial assistance program for which the applicant was eligible.

CSSB 2452 would decrease the limit on the use of authorized bonds for financial assistance that did not have to be repaid from 90 to 70 percent of the total principal of authorized bonds.

In determining the amount and form of financial assistance and the amount and form of repayment, if any, TWDB would be required to establish repayment based on the political subdivision's ability to repay the financial assistance and would be required to consider rates, fees, and charges that the average customer to be served by the project would be

able to pay. The bill would remove from the determination of repayment a comparison of what other families of similar income who were similarly situated paid for comparable service.

TWDB also would have to consider its ability to maximize the portion of financial assistance for which repayment was required based on the political subdivision's ability to pay.

Annual report. CSSB 2452 would require TWDB annually to post on its website a report detailing each project for which the board provided financial assistance under EDAP. The report would have to include:

- a description and the location of each project;
- the number of residents served by the project;
- the amount of financial assistance provided or anticipated;
- a statement of whether each project had been completed or the expected completion date;
- the date on which each appropriate political subdivision adopted the model rules; and
- the date on which the appropriate political subdivisions certified enforcement of the model rules.

Other provisions. The bill would repeal a provision prohibiting TWDB from charging interest on loans provided to certain conservation and reclamation districts under EDAP.

TWDB would be required to implement a provision of this bill only if the Legislature appropriated money specifically for that purpose. If not, the board could, but would not be required to, implement a provision of this bill using other available appropriations.

The bill would take effect on the date the constitutional amendment proposed by the 86th Legislature providing for the issuance of additional general obligation bonds by TWDB in an amount up to $200 million to provide financial assistance for the development of certain projects in economically distressed areas took effect. If that amendment was not approved by the voters, the bill would have no effect.

SUPPORTERS SAY:

CSSB 2452, in combination with SJR 79, would allow the Texas Water Development Board (TWDB) to issue additional bonds for the Economically Distressed Areas Program (EDAP), providing critical financing for the development of necessary water and wastewater infrastructure in economically distressed areas of Texas. EDAP needs to be replenished if it is to continue funding existing projects and support future projects for communities that could not otherwise afford secure access to safe water. The bill also would make certain enhancements to EDAP, such as prioritizing projects based on whether they would have a substantial effect and requiring an annual report to be published on the TWDB website.

While the cost of water infrastructure may be high, it is essential that Texas have access to water that meets state standards. Financing these costs through bond issues would allow for greater and more reliable funding over a longer period of time. Using general revenue to support EDAP would strain available resources without providing the long-term benefits of a bond issue.

OPPONENTS SAY:

CSSB 2452, in combination with SJR 79, would increase the size of the government and state bond debt at the expense of taxpayers. If TWDB needs additional funding for EDAP, that money should come from general revenue during the regular budgeting process for state agencies.

NOTES:

CSSB 2452 is the enabling legislation for SJR 79 by Lucio (M. González), which would amend the Texas Constitution to allow TWDB to issue up to $200 million in additional general obligation bonds for EDAP. SJR 79 is on today's Constitutional Amendments Calendar.

SUBJECT: Developing a strategic plan for implementing certain foster care services

COMMITTEE: Human Services — committee substitute recommended

VOTE: 7 ayes — Frank, Hinojosa, Deshotel, Meza, Miller, Noble, Rose

0 nays

2 absent — Clardy, Klick

SENATE VOTE: On final passage, March 20 — 31-0

WITNESSES: For — Alyssa Jones, Texas Alliance of Child and Family Services; Marjan Linnell, Texas Pediatric Society and Texas Medical Association; Pamela McPeters, TexProtects, Texas Chapter of Prevent Child Abuse America; (*Registered, but did not testify*: Anne Dunkelberg, Center for Public Policy Priorities; Chris Masey, Coalition of Texans with Disabilities; Christine Yanas, Methodist Healthcare Ministries of South Texas, Inc.; Greg Hansch, National Alliance on Mental Illness-Texas; Will Francis, National Association of Social Workers-Texas Chapter; Kate Murphy, Texans Care for Children; Bryan Mares, Texas CASA; Reginald Smith, Texas Criminal Justice Coalition; Lauren Rose, Texas Network of Youth Services; Kevin Stewart, Texas Psychological Association; Nataly Sauceda, United Ways of Texas; Knox Kimberly, Upbring)

Against — None

On — (*Registered, but did not testify*: Liz Kromrei, Department of Family and Protective Services)

BACKGROUND: Family Code ch. 264, subch. B-1 governs the state's community-based care program, a foster care system formerly known as foster care redesign that involves contracting out foster care housing placement and transferring certain case management services from the Department of Family and Protective Services to private entities.

Interested parties note that while the federal Family First Prevention Services Act was signed into law in 2018 and permits the use of federal funds for foster care prevention services, Texas' network of service providers is not yet sufficient to take advantage of the opportunities afforded by that law. They suggest that creating a strategic plan would better prepare the state to implement the federal law's provisions.

DIGEST:

CSSB 355 would require the Department of Family and Protective Services (DFPS) to develop a strategic plan for the coordinated implementation of community-based care and foster care prevention services that met the requirements of the federal Family First Prevention Services Act.

The strategic plan would have to:

- identify a network of service providers to provide mental health, substance use, and in-home parenting support services for children at risk of entering foster care, the parents and caregivers of those children, and pregnant or parenting youth in foster care;
- identify methods for the statewide implementation of foster care prevention services, including implementation in department regions that were transitioning to community-based care;
- identify resources necessary for DFPS to coordinate the implementation of community-based care and foster care prevention services, including certain types of enhanced training, financial methodologies, and requirements for federal financial participation;
- identify methods to maximize federal resources and apply for other federal and private funding, reduce recidivism in foster care prevention services, and streamline efforts to provide and determine eligibility for mental health, substance abuse, and in-home parenting services;
- include a method to notify the relevant legislative committees on federal and private funding opportunities and respond to those opportunities; and
- identify opportunities to coordinate with independent researchers to assist community programs in evaluating and developing trauma-

informed services and promising or supported services and strategies.

DFPS would have to consult with the Health and Human Services Commission, the Department of State Health Services, and community stakeholders in identifying the network of providers. The bill would not supersede or limit the duty of DFPS to develop and maintain the department's plan for implementing community-based care.

DFPS would have to submit the strategic plan to the governor, lieutenant governor, House speaker, and each member of the relevant legislative committees by December 30, 2019. These provisions would expire March 1, 2020.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019.